

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

TIMOTHY JOSEPH CARROLL,

Plaintiff,

8:20-CV-265

vs.

ROSETTA MCALLISTER, RN;

Defendant.

MEMORANDUM AND ORDER

This matter is before the Court on Timothy Joseph Carroll's Motion to Appoint Counsel. [Filing 58](#). Because Carroll has filed a Notice of Appeal, [Filing 58](#), Carroll must make this request to the Eighth Circuit. See *Griggs v. Provident Consumer Disc. Co.*, 459 U.S. 56, 58 (1982) ("The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal."). Therefore, the Court denies Carroll's Motion to Appoint Counsel without prejudice to reassertion before the Eighth Circuit Court of Appeals. Moreover, because Carroll is a civilly confined individual and the Court previously granted him in forma pauperis status, [Filing 8](#), he does not need to pay the filing fees as outlined in 28 U.S.C. § 1915(b)(1). See *Kolocotronis v. Morgan*, 247 F.3d 726, 728 (8th Cir. 2001). Accordingly,

IT IS ORDERED:

1. Carroll's Motion to Appoint Counsel, [Filing 58](#), is denied without prejudice to reassertion before the Eighth Circuit Court of Appeals.

Dated this 22nd day of November, 2021.

BY THE COURT:



Brian C. Buescher
United States District Judge